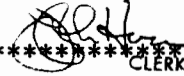


UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

FILED

JUL 08 2015

  
CLERK

\*\*\*\*\*

JAMES IRVING DALE,

Plaintiff,

vs.

CIV. 14-4102

ORDER

CORY TYLER; ANDRA GATES;  
MICHAEL JOE HANVEY;  
MIKE DOYLEL; TAMMY DEJONG;  
KELLY TJEERDSMA;  
MICHAEL MEYER;  
REBECCA SCHIEFER;  
GEORGE DEGLMAN;  
UNKNOWN DEPARTMENT OF  
CORRECTIONS MEDICAL STAFF;  
UNKNOWN DEPARTMENT OF  
CORRECTIONS STAFF; and  
ROBERT DOOLEY;

Defendants.

\*\*\*\*\*

Plaintiff James Irving Dale, an inmate at the Mike Durfee State Prison, has filed a civil rights lawsuit pursuant to 42 U.S.C. § 1983. The Magistrate Judge issued a Report and Recommendation recommending that the Defendants' Motion to Dismiss, Doc. 20, be granted as to (A) all of Dale's Due Process Claims; (B) all of the claims against Defendants Dooley, Deglman, and Schieffer; and (C) all official capacity claims for money damages against all named defendants. The Report and Recommendation further recommended the balance of the Defendants' Motion to Dismiss be denied without prejudice to their ability to re-assert these arguments in a properly supported motion for summary judgment. Plaintiff filed objections to the Report and Recommendation. After conducting an independent review of the record, the Court concludes that the Report and Recommendation is well reasoned and supported, and that the Objections to the Report and Recommendation are without

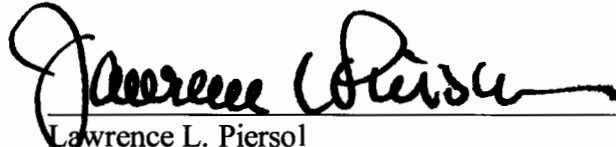
merit, and accordingly,

IT IS ORDERED:

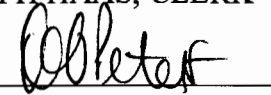
1. That the Magistrate Judge's Report and Recommendation, Doc. 34, is ADOPTED and Plaintiff's Objections to the Report and Recommendation, Doc. 35, are DENIED.
2. That Defendants' Motion to Dismiss, Doc. 20, is granted as to:
  - A. All of Dale's Due Process Claims;
  - B. All of the Claims against Defendants Dooley, Deglman, and Schieffer; and
  - C. All official capacity claims for money damages against all named Defendants.
3. That the balance of the Defendants' Motion to Dismiss is DENIED without prejudice to their ability to re-assert these arguments in a properly supported motion for summary judgment.

Dated this 8<sup>th</sup> day of July, 2015.

BY THE COURT:

  
Lawrence L. Piersol  
United States District Judge

ATTEST:  
JOSEPH HAAS, CLERK

By:   
Deputy